

## **REMARKS**

The above amendment and these remarks are responsive to the Office Action mailed 16 Nov 2004 of Examiner Akiba K. Robinson-Boyce.

Claims 1-6, 13-26, and 29 are pending in the application, none as yet allowed.

### **35 U.S.C. 103**

Claims 13-15, 17-19, 29 have been rejected under 35 U.S.C. 102(e) over Guheen et al., U.S. Patent 6,615,166.

Guheen et al. describes prioritizing components of a network framework required for implementation of technology.

Applicants have previously amended independent claims 13 (and thereby dependent claim 17) and 29 to clarify that work product descriptions are specifically separated from process descriptions, and then related through the three phase process set forth in the claim, and to set forth details of each phase in such a manner as to distinguish the teachings of Guheen et al. Those details include the

concepts of building a database of engagement models in phase 1; developing a definition of client requirements and an attack hypothesis for addressing the client requirements by selecting from the database an appropriate engagement model for addressing the client requirements and defining a fit parameter in phase 2; and utilizing the engagement templates to define and collect metrics including risk parameters, cost parameters, and customer satisfaction parameters across a plurality of engagement models, and responsive to these metrics, managing a family of engagement models, including adjusting market attack plans and allocation of constrained resources responsive to families of engagement models in phase 3.

**Rejection A.** In the current Office Action, the Examiner applies Guheen to claims 13, 17, 29, asserting that Guheen discloses:

"a set of process descriptions for describing how to create each of a plurality of components comprising application solutions/said process description describing how to develop said specific project, (Col. 49, line 60- Col. 50, line 1, shows that the environment consists of hardware, software, and processes, Col. 55, lines 31-40, shows that the

introduction of versions of hardware and system software includes products supplied information, Col. 41, lines 31-38, developing a process description); . . ." [Office Action, page 3.]

**Response A.** However, applicants argue that the Examiner is confusing applicants' method process description with Guheen's business process description. The business process description referenced by Guheen is one of the components comprising the application solution in applicants' claim. The business description explains how the user organization utilizes the hardware/software components of the application, whereas the method process description describes how the various application components (including hardware, software, and business process descriptions) are to be designed, developed, and implemented in an integrated manner.

Applicants have amended claims 13 and 29 (claim 17 depends from claim 13) to more specifically recite the characteristics of a "method process description".

**Rejection B.** The Examiner continues applying Guheen to claims 13, 17 and 29, as follows:

"a set of work product descriptions/said work product descriptions for defining a set of said components comprising application solution, (Col. 182, lines 60-65, Col. 128, lines 26-28, [description of product, brief description of the product]);..." [Office Action, page 3.]

**Response B.** Applicants argue that the Guheen reference cited by the Examiner does not describe applicants' claimed work product descriptions. Applicants' work product descriptions are not just descriptions as such are taught by Guheen, but are well defined documents that set forth all of the purpose, description, notation, example, development approach, validation and verification guidelines, advice and guidance, estimating considerations, and references of any tangible artifact produced or consumed during the project. All of these are parts of applicants' work product descriptions, and are not taught in their entirety by Guheen.

Applicants have amended claims 13 and 29 (claim 17 depends from claim 13) to more specifically recite the characteristics of a "work product description".

**Rejection C.** The Examiner continues applying Guheen to

claims 13, 17 and 29, as follows:

"at least one engagement model collecting at least one said process description and at least one said work product description...into a model for implementing a typical project addressing a type of marketplace requirement, (Col. 98, lines 63-67, shows data modeling tool chosen by the engagement team, w/Col. 175, lines 28-32, shows choice of varying business models allows a competitive electronic commerce, col. 175, lines 48-57, shows that present invention allows for stipulation of business requirements, Col. 102, lines 25-33, requirements model represents the engagement since this model summarizes the relationship between data and processes, where data includes product descriptions, in addition, Guheen et al also describes an integration platform (part of the MAP model) that integrates data generation (includes product descriptions) and event processing to come up with a total solution in Col. 159, lines 45-66),..." [Office Action, pages 3-4].

**Response C.** The Guheen models referenced by the Examiner are abstract representations of application components. On the other hand, applicants' engagement model is an abstract representation of the

overall process and the work products needed to build the application components. This is a higher level of abstraction than Guheen's models. The Guheen models cited by the Examiner could be represented within applicants' engagement model by specific work product description which would serve as containers for those abstractions. But here, applicants are claiming specifically described engagement models, which are not the same as Guheen's models.

Applicants have amended claims 13 and 29 (claim 17 depends from claim 13) to more specifically recite the characteristics of an "engagement model".

**Rejection D.** The Examiner continues applying Guheen to claims 13, 17 and 29, as follows:

"building a database of engagement models which will be used to address said market requirement, (Col. 98, lines 63-67, Col. 175, lines 28-32, shows data modeling tool chosen by the engagement team, allowing a competitive electronic commerce marketplace, col. 98, lines 2-5, also shows that the data model is used for database design),... [Office Action, page 4.]

**Response D.** The 'database of engagement models' of applicants' claim is a container for the various method process abstractions specifying how to create application solutions in a variety of scenarios. On the other hand, the Examiner's citation of Guheen is to a data model that is an abstraction of database component of a specific instance of an application solution. Guheen's data model is not the same as, or an equivalent of, applicants' 'database of engagement models.'

Applicants have amended claims 13 and 29 (claim 17 depends from claim 13) to more specifically recite the characteristics of a "database of engagement models".

**Rejection E.** The Examiner continues applying Guheen to claims 13, 17 and 29, as follows:

"developing a definition of client requirements, (col. 96, lines 6-11, shows system requirements in a client server system), . . ." [Office Action, page 4.1]

**Response E.** Guheen's reference to a 'client server

system' is a specific kind of technology which could be used in an application solution. Applicants' reference to client requirements is far more general, meaning what the client requires across all possible combinations of technology.

Applicants have amended claims 13 and 29 (claim 17 depends from claim 13) to more specifically recite the characteristics of "client requirements".

**Rejection F.** The Examiner continues applying Guheen to claims 13, 17 and 29, as follows:

"and an attack hypothesis for addressing said client requirements, (col. 74, lines 20-24, shows precautions used against service attacks)... [Office Action, page 4.]

**Response F.** The Examiner's citation of Guheen refers to precautions against hacker attempts to disrupt an application system. On the other hand, applicants are claiming creating an approach for solving the client's business needs. Applicants are using the work 'attack' in the sense of 'approach', 'satisfy', 'step up to', or the like. Applicants' use of the term is

apparent from the context, which in its entirety includes "attack hypothesis for addressing said client requirements".

Applicants have amended claims 13 and 29 (claim 17 depends from claim 13) to replace 'attack' with 'approach'.

**Rejection G.** The Examiner continues applying Guheen to claims 13, 17 and 29, as follows:

"by selecting from said database an appropriate engagement model for addressing said client requirements and defining a fit parameter, (col. 127, lines 63-67, shows selection of baseline databases and developing the test model from these databases utilizing said engagement model to create an engagement template which specifically addresses client requirements within said market place, and Col. 110, lines 44-46, Col. 171, lines 51-62, Col. 274, lines 9-17 and lines 41-59, [shows standard design templates, requirements of one or more successive parties, and templates which reflect general requirements corresponding to that user]),..."

[Office Action, page 4. Emphasis added.]

**Response G.** Applicants traverse this characterization of Guheen. The emphasized terms "engagement

model" and "engagement template" in the Examiner's statement are not found in Guheen, but are rather applicants' terms from the claim. Applicants are using the term 'template' (in 'engagement template') to mean an adaptation of an engagement model to a more specific set of client project requirements than the original scenario. Guheen's design templates are a starting point for creating design artifacts for specific application components. These are two different concepts.

Applicants have amended claims 13 and 29 (claim 17 depends from claim 13) to more specifically recite the characteristics of "engagement template".

**Rejection H.** The Examiner continues applying Guheen to claims 13, 17 and 29, as follows:

"including adding, deleting and modifying work product descriptions and process descriptions as required to optimize said fit parameter, (col. 111, lines 32-34, shows that the physical data model may change for optimization purposes, in this case changing includes any form of modification like adding or deleting),...." [Office Action, pages 4-5.]

**Response H.** Here applicants are optimizing the fit of an engagement model or template to all of the client's needs for a project. Guheen is discussing the optimization of a physical database design, which is only one component of an application solution.

**Rejection I.** The Examiner continues applying Guheen to claims 13, 17 and 29, as follows:

"measuring, monitoring and controlling client engagements based upon said engagement template, (Col. 90, lines 48-54, planning/designing, monitoring and interfacing with the change control system), ..." [Office Action, page 5.]

**Response I.** Guheen is here teaching a change control system for some unspecified subject of control. However, applicants are claiming a measurement and control for the overall engagement process in order to optimize the defining and estimating of projects.

Applicants have amended claims 13 and 29 (claim 17 depends from claim 13) to more specifically recite "optimizing of the overall process".

**Rejection J.** The Examiner continues applying Guheen to claims 13, 17 and 29, as follows:

"utilizing said engagement templates to define and collect metrics, (col. 181, lines 54-57, shows use of and monitoring of metrics), including risk parameters, (col. 104, lines 37-43, shows use of default risks to define criteria), cost parameters, (col. 129, lines 56-62, identifying costs used), and customer satisfaction parameters, (Col. 81, lines 43-45, customer satisfaction), . . ." [Office Action, page 5.]

**Response J.** Applicant demurs. These metrics, risks, costs, satisfaction parameters can apply to many different things, and Guheen's 'things' are not apparent from these references.

**Rejection K.** The Examiner continues applying Guheen to claims 13, 17 and 29, as follows:

"across a plurality of engagement models and responsive to said metrics, managing a family of said engagement models, including adjusting market attack plans and allocation of constrained resources responsive to said family of

engagement models, (Col. 274, line 54-Col. 275, line 11, shows use of templates and reconfiguration that reflects adaptation to new industries that market products, col. 171, lines 48-56, where it is shown that application models are shaped by WAF templates)...." [Office Action, page 5.]

**Response K.** Applicants' claims relate to feedback of information to enable optimization of the ability to deliver technology services in a competitive market situation. Guheen appears to be discussing the ability to adapt to product markets developed by new industries.

**Rejection L.** The Examiner continues applying Guheen to claims 13, 17 and 29, as follows:

"Guheen et al does not specifically disclose only "three phase process" comprising a first phase, a second phase and a third phase, however does disclose the integration of multiple phases of a development process in order to come up with a total solution in Col. 159, lines 45-66. Even though Guheen et al does discloses more than three phases, each of the phases described by the present invention are disclosed as described above in the rejection.

As motivation for finding "a three phase process" comprising a first phase, a second phase and a third phase as an insufficient distinction to satisfy the requirements of 35 U.S.C. 103 in applicants' claims with respect to Guheen, the Examiner states: "...the motivation of describing the steps that need to be addressed for coming up with a final solution."

**Response L.** Applicants have amended claims 13 and 29 (claim 17 depends from claim 13) to more specifically recite the characteristics of the three phase process, and of the database structures which are managed through that three phase process. Applicants' position is that these structures and three phase process, when viewed as a whole, are not taught nor implied by Guheen.

Applicants' first phase of building a database of engagement models is reliant upon the deep skills of practitioner in understanding how to partition the problem space of each domain. Most of this work is reflected in the creation of well defined work product descriptions describing the tangible outcome of performing a task. These work product descriptions contain not only a description of

the work product, but also the purpose (especially describing appropriate usage situations), notation, example, development approach, validation and verification guidelines, advice and guidance, estimating considerations, and references.

Applicants' second phase is reliant on understanding the problems and issues of the clients comprising the services market. The definition of stereotypical scenarios for the delivery of services drives the assembly of work products and process fragments into engagement models and templates.

Applicants' third phase is reliant on the deployment environment of the method to the service practitioners. The enactment of service projects according to method engagement models and templates, and the subsequent tracking and capturing of metrics to provide feedback to method developers and service leaders provides for a continuous improvement scheme for the method work products and processes.

The database model of applicants invention includes the a collection of databases on a network accessible via a

terminal application a domain database, a work product description database, a process description database, an engagement model database, an engagement family database, and engagement template database; the work product description database comprising descriptions of work products produced on engagements as a basis for method adoption, method integration, and the harvesting and structuring of intellectual capital for application to new market engagement models; the domain database comprising a logical grouping of the work product descriptions, including application, architecture, business, engagement, organization, operations, external assets, and requirements; the process description database comprising phase, activity, and task databases for use in decomposing a development and delivery process into a hierarchy of steps of a default project plan; the phase including a set of activities for a contract with a customer; the activity including a grouping of related tasks for sequencing work effort and managing complexity within a phase; the task being a unit of work estimated and scheduled for producing a work product; the engagement model database comprising a plurality of template project plans, each for a specific service offering and engagement; the engagement family database comprising methodology descriptions each including one or more

engagement models; and the engagement template database comprising a collection of templates, each template a result of tailoring a specific engagement models for use.

Applicants assert that Guheen et al. do not describe separating work product descriptions from process descriptions, organized in the claimed database structure, and then relating them through the three phase process now recited in claims 13 and 29.

Claims 14, 15, and 17 depend from claim 13 and are similarly distinguished from Guheen et al.

***35 U.S.C. 103 (Continued)***

Claims 1, 2, 4, and 26 have been rejected under 35 U.S.C. 103(a) over Guheen et al. in view of Dixon's article "Integrated Support for Project Management."

Applicants have amended claims 1 and 26 substantially as described above with respect to claim 13, and as amended claims 1 and 26, claims 2, and 4 which depend from claim 13, distinguish Guheen et al as described above (Responses A-L).

With respect to Dixon, the approach of modular decomposition to create product hierarchies is not the same as the work products in applicants' claims 1 and 26. Many of applicants' work products could be subject to the approach Dixon describes, where it would be partitioned into multiple instances that have some relationship based on intrinsic properties. However, applicants' work products are not 'many of the same thing' but rather each work product description is describing something different from any of the other work products descriptions. All of these fit together to perform the services required to achieve the client's business objective.

Claims 3, 5, and 6 have been rejected under 35 U.S.C. 103(e) over Guheen et al. in view of Dixon and Boman-Amuah, U.S. Patent 6,615,199.

Claims 3, 5, and 6 all depend from claim 1, and have been distinguished from Guheen et al and Dixon as described with respect to claims 1 and 13.

Bowman-Amuah has been cited for teaching best practices, reusable assets, and cyclically redefining templates while deploying work product and process

descriptions. However, the claims as amended now recite specific database structures and processing phases not taught by any of Guheen et al, Dixon, or Boman-Amuah.

Claims 16, and 20-25 have been rejected under Guheen in view of Bowman-Amuah.

Claims 16, and 20-25 depend from claim 13, and are distinguished from Guheen et al, as previously discussed. (See Responses A-L, above.) Further, base claim 13 has been amended to recite specific database structures and processing phases not taught by Guheen et al or Boman-Amuah.

Claims 18-19 have been rejected under 35 U.S.C. 103(a) over Guheen et al.

Claims 18-19 depend from claim 13, and are distinguished from Guheen et al. as previously discussed. See Responses A-L, above.

## **SUMMARY AND CONCLUSION**

Applicants urge that the above amendments be entered

and the case passed to issue with claims 1-6, 13-26, and 29.

The Application is believed to be in condition for allowance and such action by the Examiner is urged. Should differences remain, however, which do not place one/more of the remaining claims in condition for allowance, the Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive assistance and suggestions in accordance with M.P.E.P. Sections 707.02(j) and 707.03 in order that allowable claims can be presented, thereby placing the Application in condition for allowance without further proceedings being necessary.

Sincerely,

S. D. Barnes, et al.

By

  
\_\_\_\_\_  
Shelley M Beckstrand  
Reg. No. 24,886

Date: 16 Mar 2005

Shelley M Beckstrand, P.C.  
Attorney at Law  
61 Glenmont Road  
Woodlawn, VA 24381-1341

Phone: (276) 238-1972